

REMARKS

Claims 3 and 11 have been amended to cited relative movement of the dispenser and slide housing rather than requiring movement of the dispenser. One skilled in the art will recognize that the housing and dispenser may be moved into alignment by moving the dispenser or by moving the housing, either case being covered by the present language. In fact, in a disclosed embodiment, both the housing and the dispenser are movable.

All claims have been rejected under 35 U.S.C. 102 as being anticipated by MaWhinney, *et al.* That rejection is respectfully traversed and reconsideration is requested.

The present invention relates to a microscope slide stainer in which the slides and a liquid dispenser are movable relative to each other in order that they may be aligned to allow liquid to be dispensed from the dispenser to the slide housing. By contrast, the MaWhinney, *et al.* system has slides which are fixed in position relative to inlet and outlet pipes (Figure 2) which are connected through a valve block to liquid supplies and waste (Figure 3). Although reagents ride on a carousel which moves relative to the dispensing system, the dispensing and aspirating system is fixed relative to each slide housing. Further, it appears that a separate dispensing and aspirating system, including a valve block, is required for each slide.

By moving the dispenser and slide housing relative to each other as in the present invention, the complicated valving of MaWhinney, *et al.* is not required. In fact, one can visualize an embodiment of the present invention by modifying Figure 3 of MaWhinney, *et al.* to place the slide chamber below the reagent carousel, placing dispensers on the carousel, and dispensing directly from the reagent containers to the slide housing. Whereas MaWhinney, *et al.* requires movement of the carousel relative to the dispenser and complicated valving at the dispenser, the present invention requires only movement of the dispenser relative to the slide housing. Thus, MaWhinney, *et al.* does not disclose "said dispenser and slide housing being capable of relative movement under microprocessor control so as to align the dispenser with a slide" as recited in Claim 3 or the step of "moving the slide housing and a liquid dispenser

relative to each other under microprocessor control into alignment" as recited in Claim 11. Accordingly, it is requested that the rejection under 35 U.S.C. 102(b) be withdrawn.

New Claims 17 and 18 further recite that the liquid aspirator and slide housing are movable relative to each other. As shown in Figure 3 of MaWhinney, *et al.* the vacuum waste system is fixed to the slide reaction chamber through the valve block.


Claims 4 and 15 further recite that the slide is moved. In MaWhinney, *et al.*, the slides are in fixed position.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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